

**ATTACHMENT B
DRAFT STATEMENT OF OFFICIAL ACTION**



City of
Santa Monica™

City of Santa Monica
City Planning Division

PLANNING COMMISSION STATEMENT OF OFFICIAL ACTION

PROJECT INFORMATION

CASE NUMBER:	Development Review Permit 19ENT-0430
LOCATION:	1404-1408 3 rd Street Promenade
APPLICANT:	Blatteis & Schnur, Inc. DBA Kenza Promenade, LLC
PROPERTY OWNER:	Kenza Promenade, LLC
CASE PLANNER:	Rathar Duong, Associate Planner
REQUEST:	Development Review Permit to construct a new Tier 2 three-story, 55-foot high, approximately 20,000 square-foot retail/commercial building above a 1,320 SF partial basement that provides a long-term bicycle storage room, shower and changing room and a 2,935 SF roof terrace above the 3 rd floor on a 7,500 SF parcel.
AFFORDABLE HOUSING:	N/A
CEQA STATUS:	<p>The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15182, which exempts projects that are consistent with a specific plan adopted pursuant to Title 7, Division 1, Chapter 3, Article 8 of the Government Code. Specifically, the proposed project meets all of the criteria prescribed in Section 15182:</p> <ul style="list-style-type: none">• The project has a floor area ratio of at least 0.75.• The project is located within a transit priority area, which is defined in Public Resources Code section 20199(a)(7) as an area within 0.5 mile of a major transit stop.

- The project is consistent with a specific plan for which an EIR was certified (Downtown Specific Plan EIR was certified in 2017).
- The project is consistent with the general use designation, density, building intensity, and applicable policies of SCAG's Sustainable Communities Strategy/Regional Transportation Plan.

PLANNING COMMISSION ACTION

October 7, 2020 Determination Date
 _____ X _____ Approved based on the following findings and subject to the conditions below.
 _____ Denied.
 _____ Other:

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:	October 22, 2020
EXPIRATION DATE OF ANY PERMITS GRANTED:	April 22, 2024 (2.5 years pursuant to SMMC Section 9.37.090 + 2 years pursuant to the Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopted on May 29, 2020)
LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:	6 months

* Any request for an extension of the expiration date must be received in the City Planning Division prior to expiration of this permit.

Each and all of the findings and determinations are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information contained herein or in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

FINDINGS

DEVELOPMENT REVIEW PERMIT FINDINGS

A. The physical location, size, massing, setbacks, pedestrian orientation, and

placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards and are both compatible and relate harmoniously to surrounding sites and neighborhoods in that the proposed project is a 3-story, 55-foot high retail/commercial building that is compliant with the Bayside Conservation development standards of the DCP. The project site is located within the Third Street Promenade shopping district. The proposed building will provide modern and updated retail, restaurant, or office space for new tenants consistent with the surrounding uses within existing Promenade buildings and will further help activate and enliven the City's signature shopping district. The building size and scale are intended to complement and highlight the Promenade historic human scale; while the all-glass façade will be visually transparent helping blur the line between private and public realms and facilitate a seamless transition within the active commercial district.

The ground floor façade fronting the Promenade is situated at the property line for the majority of its width. Further, an improved pedestrian scale is achieved with a stepped third level, resulting in a balcony in the process. The landscaped roof terrace provides an attractive outdoor space with seating for building occupants and expand on a network of outdoor spaces in downtown. Moreover, both the third level balcony and roof terrace bring outdoor spaces already exist on the Promenade walk street to the project site, adding to a more site-specific design and creating opportunities for visual connection and interaction between pedestrians and building occupants.

The mass and scale of the alley (west) façade is successfully composed with a balanced mix of solid and void spaces highlighted by various exterior finishes including stucco, storefront glazing system and CMU block.

- B. The rights-of-way can accommodate autos, bicycles, pedestrians, and multi-modal transportation methods, including adequate parking and access, in that the project fronts an improved walk street (the Promenade) and alleyway that currently service existing development and businesses within the BC district as well as the existing building on site. The proposed project will provide its primary pedestrian access at the front along Third Street Promenade. While building service-related functions are conducted along the rear alley, including delivery, trash/recycling pick-up, general building maintenance, and secondary access. Due to the project's location within the DCP, no parking minimum is required; therefore, parking facilities will not be provided on site. Parking, as typical within the downtown core is provided with City-owned parking structures along 2nd and 4th Street immediately east and west of the Promenade.

Short-term bicycle parking will be provide on public right-of-way along Santa Monica Boulevard which is located one lot/storefront north of the project site and will be reviewed by the Mobility Division. Long-term bicycle parking and the required shower and changing room will be provided in the basement level.

- C. The health and safety services (police, fire, etc.) and public infrastructure (e.g. utilities) are sufficient to accommodate the new development, in that the proposed development is located in an urbanized area that is adequately served by existing City infrastructure, including Police and Fire service. The proposed project is an infill redevelopment of an existing downtown site. There is currently an existing retail/commercial building of approximately 17,300 SF of similar height and scale on site that will be demolished upon project approval. The new building is 20,000 SF and approximately 2,700 SF larger than the existing condition. No new safety services or public infrastructure will be required for this project.
- D. The project is generally consistent with the Municipal Code, General Plan, and any applicable Specific Plan, in that the proposed project complies with all the land use and development standards required by the Bayside Conservation (BC) District of the DCP, including the building size (F.A.R.), height, building form and location, pedestrian orientation and active design standards.

The proposed project supports a number of Citywide Land Use Goals and Policies, including Policies LU4.4 (Pedestrian-Oriented Design), LU4.7 (Pedestrian, Bicycle and Transit Access), LU6.2 (Vital Downtown) among other goals and policies of both the LUCE and the DCP as previously discussed. The proposed project and its facades engage pedestrians with future ground floor uses, building design, site planning, and massing that will promote a vibrant street life and emphasize transit and bicycle access within an urban downtown setting. The project is a low-rise retail/commercial building that respects the Promenade's historic pedestrian scale that will generally extend to the property lines and features an all-glass transparent façade along the Promenade within the City's signature shopping district. Its siting and design are complementary to a walk street and maintain visual consistency with existing development. The new space is intended for future retail and/or commercial tenant(s) that will create an active storefront(s) to engage the Promenade. The project location within the downtown core is easily served by various modes of public transit, including bus lines, the Expo Line light rail that terminates at Colorado Avenue and 4th Street south of the site as well as a network shared mobility lanes that accommodate bicycles, scooters, and similar modes of transportation that connect employees and visitors to employment and recreational facilities in and around downtown.

- E. Based on the environmental review, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15182, which exempts projects that are consistent with a specific plan adopted pursuant to Title 7, Division 1, Chapter 3, Article 8 of the Government Code. Specifically, the proposed project meets all of the criteria prescribed in Section 15182:

- The project has a floor area ratio of at least 0.75.

- The project is located within a transit priority area, which is defined in Public Resources Code section 20199(a)(7) as an area within 0.5 mile of a major transit stop.
 - The project is consistent with a specific plan for which an EIR was certified (Downtown Specific Plan EIR was certified in 2017).
 - The project is consistent with the general use designation, density, building intensity, and applicable policies of SCAG's Sustainable Communities Strategy/Regional Transportation Plan.
- F. The project promotes the general welfare of the community in that it allows for the redevelopment of an existing site in an important location of downtown, specifically, the Third Street Promenade shopping district. The proposal is compliant with all current development standards including its consistency with and support of a number of goals and policies of the LUCE and the DCP. The new retail/commercial building is a replacement of an older building that is not a landmark or listed on the Historic Resources Inventory (HRI). The new building will attract and provide modern, updated interior spaces for new tenants to the City that will serve local residents and visitors. The new use(s) coupled with its hallmark location within Third Street Promenade will build on the vibrancy, dynamism and active commercial character of the immediate district and downtown as a whole.
- G. The project has no unacceptable adverse effects on public health or safety in that the project is a retail/commercial building designed to accommodate new tenants on three levels. The proposal is a replacement of an older building and will create modern and updated interior spaces to accommodate a variety of retail/commercial tenants. The project's location in downtown is well-served by existing network of public transportation, including major bus routes and the Expo Line located southeast of the site and a short walk away. The project complies with all development standards of the BC district specified by the DCP and Zoning Ordinance, and conditions of approval for the construction phase and project operations ensure that the project will not adversely impact the public health, safety, and welfare.
- H. The project provides Community Benefits consistent with Chapter 9.23 of the Zoning Ordinance in that as a Tier 2 project, will pay an additional 14% above the base fee for affordable housing/housing mitigation fee, transportation impact fee, open space fee, and transportation demand management measures which will enhance and support the creation and related amenities resulting from these programs to City's residents, visitors, and the business community.

CONDITIONS OF APPROVAL

PLANNING AND COMMUNITY DEVELOPMENT

Project Specific Conditions

1. The Architectural Review Board in reviewing the project shall pay special attention in the following areas:
 - The project's compatibility among other buildings on and with the character of the promenade. Consider the overall scale and scale of the architectural gestures. Introduce strategies on the upper levels on the ground floor.
 - There is an appearance of an ungrounded building. Consider how the building anchors and connects itself to the site and to the promenade.
 - Explore mechanisms to connect the landscaped rooftop terrace to the ground floor.

Integration of more solid surfaces into the front façade that is similar to or reflective of the successfully composed rear elevation would help diminish the appearance of an overtly transparent front façade.
 - Due to the building's transparent appearance along the promenade, lighting design and lighting control will be an important consideration for both elevations particularly in tandem with existing promenade lighting design and illumination from other tenant spaces as to avoid over illumination of light to the area.
 - Explore appropriate environmental strategies and incorporate into building design.
 - Consider the adjoining buildings in treatment of the front façade. The adjoining buildings have a strong horizontal line at approximately 1.5 story.
 - Consider how a potential second floor retail tenant would get representation and in general, how a store brand would be achieved on an all-glass façade.
 - Consider mechanism for shading.
 - Consider and explore how various elements and design aesthetics come together without appearing arbitrary or non-sequitur.
 - Activate the alley.
2. The project shall comply with SMMC Sections 9.10.060, Table 4.2 regulating the Active and Pedestrian-Oriented Design, Build-to-Line, Minimum Stepbacks Above Ground Floor and Upper Story Stepbacks, Maximum Unbroken Primary Façade

Length, and Building Frontage Line (Ground Floor Setback) requirements for new buildings within the BC District fronting the Promenade.

3. Pursuant to SMMC Section 9.23.030, the project shall provide the following community benefits:
 - a. Affordable Housing Commercial Linkage Fee: Pursuant to SMMC Section 9.23.030(A)(3), no building permit shall be issued for the project until the applicant pays an Affordable Housing Commercial Linkage Fee of 23 percent above the base fee applicable at the time of issuance of the building permit for that portion of the commercial floor area above the maximum Tier 1 floor area allowed by the Zoning Ordinance.
 - b. Transportation Impact Fee: Pursuant to SMMC Section 9.23.030(B), no building permit shall be issued for the project until the applicant pays a Transportation Impact Fee of 23 percent above the base fee applicable at the time of issuance of the building permit for that portion of the floor area above the maximum Tier 1 floor area allowed by the Zoning Ordinance.
 - c. Parks and Recreation Development Impact Fee: Pursuant to SMMC Section 9.23.030(C), no building permit shall be issued for the project until the applicant pays a Parks and Recreation Development Impact Fee of 23percent above the base fee applicable at the time of issuance of the building permit for that portion of the floor area above the maximum Tier 1 floor area allowed by the Zoning Ordinance.
 - d. Transportation Demand Management: The applicant shall include the TDM measures required by SMMC Section 9.23.030(D) in the project's TDM Plan.
 - e. Pursuant to SMMC Section 9.64.090, the Parks and Recreation Development Impact Fee described in SMMC Chapter 9.67, the Transportation Impact Fee described in SMMC Chapter 9.66, and the Child Care Linkage Fee described in SMMC Chapter 9.65 shall be waived for required affordable housing units. Prioritization of potential occupants of the on-site affordable housing unit(s) shall be in accordance with the Affordable Housing Production Program Ordinance Guidelines.

Administrative

4. The Planning Commission's approval, conditions of approval, or denial of Development Review Permit 19ENT-0430 may be appealed to the City Council if the appeal is filed with the Zoning Administrator within fourteen consecutive days following the date of the Planning Commission's determination in the manner provided in Section 9.40.070. An appeal of the approval, conditions of approval, or

denial of a subdivision map must be filed with the City Clerk within ten consecutive days following the date of Planning Commission determination in the manner provided in Section 9.54.070(G). Any appeal must be made in the form required by the Zoning Administrator. The approval of this permit shall expire if the rights granted are not exercised within two years from the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction.

5. In the event permittee violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals or Certificates of Occupancy shall be issued until such violation has been fully remedied.
6. Within ten days of City Planning Division transmittal of the Statement of Official Action, project applicant shall sign and return a copy of the Statement of Official Action prepared by the City Planning Division, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. By signing same, applicant shall not thereby waive any legal rights applicant may possess regarding said conditions. The signed Statement shall be returned to the City Planning Division. Failure to comply with this condition shall constitute grounds for potential permit revocation.
7. Within thirty (30) days after final approval of the project, a sign shall be posted on site stating the date and nature of the approval. The sign shall be posted in accordance with the Zoning Administrator guidelines and shall remain in place until a building permit is issued for the project. The sign shall be removed promptly when a building permit is issued for the project or upon expiration of the Design Review Permit.
8. In the event permittee violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.

Indemnity

9. Applicant shall defend, indemnify, and hold harmless the City and its boards, commissions, agents, officers, and employees (collectively, "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referenced as "Claims") against the City to attack, set aside, void, or annul, the approval of this Development Review Permit concerning the Applicant's proposed project, or any Claims brought against the City due to the acts or omissions in any connected to the Applicant's project. City shall promptly notify the applicant of any Claim and shall cooperate fully in the defense. Nothing contained in this paragraph prohibits the City from participating in the defense of any Claims, if both of the following occur:

- (1) The City bears its own attorney's fees and costs.
- (2) The City defends the action in good faith.

Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

In the event any such action is commenced to attack, set aside, void or annul all, or any, provisions of any approvals granted for the Project, or is commenced for any other reason against the City for the act or omissions relating to the Applicant's project, within fourteen (14) days following notice of such action from the City, the Applicant shall file with the City a performance bond or irrevocable letter of credit, or other form of security satisfactory to the City ("the Security") in a form satisfactory to the City, and in the amount of \$100,000 to ensure applicant's performance of its defense, indemnity and hold harmless obligations to City. The Security amount shall not limit the Applicant's obligations to the City hereunder. The failure of the Applicant to provide the Security shall be deemed an express acknowledgment and agreement by the Applicant that the City shall have the authority and right, without consent of the Applicant, to revoke the approvals granted hereunder.

Conformance with Approved Plans

10. This approval is for those plans dated June 22, 2020, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
11. Minor amendments to the plans shall be subject to approval by the Director of Planning. A significant change in the approved concept shall be subject to Planning Commission Review. Construction shall be in conformance with the plans submitted or as modified by the Planning Commission, Architectural Review Board, or Director of Planning.
12. Project plans shall be subject to complete Code Compliance review when the building plans are submitted for plan check and shall comply with all applicable provisions of Article IX of the Municipal Code and all other pertinent ordinances and General Plan policies of the City of Santa Monica prior to building permit issuance.

Fees

13. As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications,

reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city fee schedule.

14. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.30 of the Santa Monica Municipal Code, Private Developer Cultural Arts Requirement.
15. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.65 of the Santa Monica Municipal Code, the Child Care Linkage Program.
16. No building permit shall be issued for the project until the developer complies with the requirements of Chapters 9.66 and 9.10 of the Santa Monica Municipal Code, the Transportation Impact Fee Program.
17. No building permit shall be issued for the project until the developer complies with the requirements of Chapters 9.53 and 9.10, the Transportation Demand Management Fee.
18. No building permit shall be issued for the project until the developer complies with the requirements of Chapters 9.68 and 9.10, the Affordable Housing Commercial Linkage Fee Program.
19. No building permit shall be issued for the project until the development complies with the requirements for payment of the Condominium and Cooperative Tax described in SMMC Section 6.76.

Cultural Resources

20. The City shall not approve the demolition of any building or structure unless the applicant has complied with all of the requirements of SMMC Chapter 9.25, including no demolition of buildings or structures built 40 years of age or older shall be permitted until the end of a 75-day review period by the Landmarks Commission to determine whether an application for landmark designation shall be filed. If an application for landmark designation is filed, no demolition shall be approved until a final determination is made on the application by the Landmarks Commission, or City Council on appeal.
21. If any archaeological remains are uncovered during excavation or construction, work in the affected area shall be suspended and a recognized specialist shall be contacted to conduct a survey of the affected area at project's owner's expense. A determination shall then be made by the Director of Planning to determine the

significance of the survey findings and appropriate actions and requirements, if any, to address such findings.

Rent Control

22. Pursuant to SMMC Section 4.24.030, prior to receipt of the final permit necessary to demolish, convert, or otherwise remove a controlled rental units from the housing market, the owner of the property shall first secure a removal permit under Section 1803(t), an exemption determination, an approval of a vested rights claim from the Rent Control Board, or have withdrawn the controlled rental units pursuant to the provisions of the Ellis Act.

Project Operations

23. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
24. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries or other maintenance activity generating noise audible from the exterior of the building shall occur during the hours of 11:00pm to 7:00am daily. In addition, there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00pm to 7:00am daily. Trash containers shall be secured with locks.

Final Design

25. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Architectural Review Board.
26. Landscaping plans shall comply with Subchapter 9.26.040 (Landscaping Standards) of the Zoning Ordinance including use of water-conserving landscaping materials, landscape maintenance and other standards contained in the Subchapter.
27. Refuse areas, storage areas and mechanical equipment shall be screened in accordance with SMMC Sections 9.21.100, 9.21.130 and 9.21.140. Refuse areas shall be of a size adequate to meet on-site need, including recycling. The Architectural Review Board in its review shall pay particular attention to the screening of such areas and equipment. Any rooftop mechanical equipment shall be minimized in height and area, and shall be located in such a way as to minimize noise and visual impacts to surrounding properties. Unless otherwise approved by the Architectural Review Board, rooftop mechanical equipment shall be located at least five feet from the edge of the roof. Except for solar hot water heaters, no residential water heaters shall be located on the roof.

28. No gas or electric meters shall be located within the required front or street side yard setback areas. The Architectural Review Board in its review shall pay particular attention to the location and screening of such meters.
29. Prior to consideration of the project by the Architectural Review Board, the applicant shall review disabled access requirements with the Building and Safety Division and make any necessary changes in the project design to achieve compliance with such requirements. The Architectural Review Board, in its review, shall pay particular attention to the aesthetic, landscaping, and setback impacts of any ramps or other features necessitated by accessibility requirements.
30. As appropriate, the Architectural Review Board shall require the use of anti-graffiti materials on surfaces likely to attract graffiti.

Construction Plan Requirements

31. During demolition, excavation, and construction, this project shall comply with SCAQMD Rule 403 to minimize fugitive dust and associated particulate emission, including but not limited to the following:
 - All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least three times daily with complete coverage, preferably at the start of the day, in the late morning, and after work is done for the day.
 - All grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph measured as instantaneous wind gusts) so as to prevent excessive amounts of dust.
 - All material transported on and off-site shall be securely covered to prevent excessive amounts of dust.
 - Soils stockpiles shall be covered.
 - Onsite vehicle speeds shall be limited to 15 mph.
 - Wheel washers shall be installed where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip.
 - An appointed construction relations officer shall act as a community liaison concerning onsite construction activity including resolution of issues related to PM₁₀ generation.
 - Streets shall be swept at the end of the day using SCAQMD Rule 1186 certified street sweepers or roadway washing trucks if visible soil is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water).

- All active portions the construction site shall be sufficiently watered three times a day to prevent excessive amounts of dust.
32. Final building plans submitted for approval of a building permit shall include on the plans a list of all permanent mechanical equipment to be placed indoors which may be heard outdoors.
 33. Any new restaurant at the site with fewer than 50 seats capacity shall install a grease interceptor with minimum 750 gallons static holding capacity in order to pretreat sewered grease. Facilities with greater than 50 seats are required to install an interceptor with 1000 gallons minimum holding capacity. The Public Works Department may modify the above requirements only for good cause. Specifically, the facility must demonstrate to the satisfaction of the Industrial Waste Section and Building and Safety Division that interceptor installation is not feasible at the site in question. In such cases where modifications are granted, grease traps will be required in the place of an interceptor. Building permit plans shall show the required installation.

Demolition Requirements

34. Until such time as the demolition is undertaken, and unless the structure is currently in use, the existing structure shall be maintained and secured by boarding up all openings, erecting a security fence, and removing all debris, bushes and planting that inhibit the easy surveillance of the property to the satisfaction of the Building and Safety Officer and the Fire Department. Any landscaping material remaining shall be watered and maintained until demolition occurs.
35. Prior to issuance of a demolition permit, applicant shall prepare for Building Division approval a rodent and pest control plan to insure that demolition and construction activities at the site do not create pest control impacts on the project neighborhood.

Construction Period

36. Immediately after demolition and during construction, a security fence, the height of which shall be the maximum permitted by the Zoning Ordinance, shall be maintained around the perimeter of the lot. The lot shall be kept clear of all trash, weeds, etc.
37. Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions. Immediately after commencing dirt removal from the site, the general contractor shall provide the City of Santa Monica with written certification that all trucks leaving the site are covered in accordance with this condition of approval.

38. Developer shall prepare a notice, subject to the review by the Director of Planning and Community Development, that lists all construction mitigation requirements, permitted hours of construction, and identifies a contact person at City Hall as well as the developer who will respond to complaints related to the proposed construction. The notice shall be mailed to property owners and residents within a 200-foot radius from the subject site at least five (5) days prior to the start of construction.
39. A sign shall be posted on the property in a manner consistent with the public hearing sign requirements which shall identify the address and phone number of the owner and/or applicant for the purposes of responding to questions and complaints during the construction period. Said sign shall also indicate the hours of permissible construction work.
40. A copy of these conditions shall be posted in an easily visible and accessible location at all times during construction at the project site. The pages shall be laminated or otherwise protected to ensure durability of the copy.

Standard Conditions

41. Lofts or mezzanines shall not exceed 33.3% of the room below unless compliance with the district's limits on number of stories can be maintained.
42. Mechanical equipment shall not be located on the side of any building which is adjacent to a residential building on the adjoining lot, unless otherwise permitted by applicable regulations. Roof locations may be used when the mechanical equipment is installed within a sound-rated parapet enclosure.
43. Final approval of any mechanical equipment installation will require a noise test in compliance with SMMC Section 4.12.040. Equipment for the test shall be provided by the owner or contractor and the test shall be conducted by the owner or contractor. A copy of the noise test results on mechanical equipment shall be submitted to the Community Noise Officer for review to ensure that noise levels do not exceed maximum allowable levels for the applicable noise zone.
44. Construction period signage shall be subject to the approval of the Architectural Review Board.
45. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

MOBILITY DIVISION

46. Developer shall comply with SMMC Chapter 9.53, Transportation Demand Management, including payment of the Developer Annual TDM Fee pursuant to Section 9.53.110.
47. Final auto parking, bicycle parking and loading layouts specifications shall be subject to the review and approval of the Mobility Division:
48. Where a driveway, garage, parking space or loading zone intersects with the public right-of-way at the alley or sidewalk, hazardous visual obstruction triangles shall be provided in accordance with SMMC Section 9.21.180.
49. Slopes of all driveways and ramps used for ingress or egress of parking facilities shall be designed in accordance with the standards established by the Mobility Manager but shall not exceed a twenty percent slope.
50. Bicycle parking provided in the Project shall meet the requirements of SMMC Section 9.28.140.

PUBLIC LANDSCAPE

51. Street trees shall be maintained, relocated or provided as required in a manner consistent with the City's Urban Forest Master Plan, per the specifications of the Public Landscape Division of the Community & Cultural Services Department and the City's Tree Code (SMMC Chapter 7.40). No street trees shall be removed without the approval of the Public Landscape Division.
52. Prior to the issuance of a demolition permit all street trees that are adjacent to or will be impacted by the demolition or construction access shall have tree protection zones established in accordance with the Urban Forest Master Plan. All tree protection zones shall remain in place until demolition and/or construction has been completed.
53. Replace or plant new street trees in accordance with Urban Forest Master Plan and in consultation with City Arborist.

OFFICE OF SUSTAINABILITY AND THE ENVIRONMENT

54. Developer is hereby informed of the availability for free enrollment in the Savings By Design incentive program where available through Southern California Edison. If Developer elects to enroll in the program, enrollment shall occur prior to submittal of plans for Architectural Review and an incentive agreement shall be executed with Southern California Edison prior to issuance of a building permit.

55. The project shall comply with requirements in section 8.106 of the Santa Monica Municipal code, which adopts by reference the California Green Building Standards Code and which adds local amendments to that Code. In addition, the project shall meet the landscape water conservation and construction and demolition waste diversion requirements specified in Section 8.108 of the Santa Monica Municipal Code.

PUBLIC WORKS DEPARTMENT (PWD)

General Conditions

56. Developer shall be responsible for the payment of the following Public Works Department (PWD) permit fees prior to issuance of a building permit:
- a. Water Services
 - b. Wastewater Capital Facility
 - c. Water Demand Mitigation
 - d. Fire Service Connection
 - e. Tieback Encroachment
 - f. Encroachment of on-site improvements into public right-of-way
 - g. Construction and Demolition Waste Management – If the valuation of a project is at least \$50,000 or if the total square feet of the project is equal to or greater than 1000 square feet, then the owner or contractor is required to complete and submit a Waste Management Plan. All demolition projects are required to submit a Waste Management Plan. A performance deposit is collected for all Waste Management Plans equal to 3% of the project value, not to exceed \$30,000. All demolition only permits require a \$1,000 deposit or \$1.00 per square foot, whichever is the greater of the two.

Some of these fees shall be reimbursed to developer in accordance with the City's standard practice should Developer not proceed with development of the Project. In order to receive a refund of the Construction and Demolition performance deposit, the owner or contractor must provide receipts of recycling 70% of all materials listed on the Waste Management Plan.

57. Any construction related work or use of the public right-of-way will be required to obtain the approval of the City of Santa Monica, including but not limited to: Use of Public Property Permits, Sewer Permits, Excavation Permits, Alley Closure Permits, Street Closure Permits, and Temporary Traffic Control Plans.

58. Plans and specifications for all offsite improvements shall be prepared by a Registered Civil Engineer licensed in the State of California for approval by the City Engineer prior to issuance of a building permit.
59. Immediately after demolition and during construction, a security fence, the height of which shall be the maximum permitted by the Zoning Ordinance, shall be maintained around the perimeter of the lot. The lot shall be kept clear of all trash, weeds, etc.
60. Until completion of construction, a sign shall be posted on the property in a manner consistent with the public hearing sign requirements, which shall identify the address and phone number of the owner, developer and contractor for the purposes of responding to questions and complaints during the construction period. Said sign shall also indicate the hours of permissible construction work.
61. Prior to the demolition of any existing structure, the applicant shall submit a report from an industrial hygienist to be reviewed and approved as to content and form by the Building & Safety Division. The report shall consist of a hazardous materials survey for the structure proposed for demolition. The report shall include a section on asbestos and in accordance with the South Coast AQMD Rule 1403, the asbestos survey shall be performed by a state Certified Asbestos Consultant (CAC). The report shall include a section on lead, which shall be performed by a state Certified Lead Inspector/Assessor. Additional hazardous materials to be considered by the industrial hygienist shall include: mercury (in thermostats, switches, fluorescent light), polychlorinated biphenyls (PCBs) (including light Ballast), and fuels, pesticides, and batteries.

Water Resources

62. Connections to the sewer or storm drains require a sewer permit from the PWD - Civil Engineering Division. Connections to storm drains owned by Los Angeles County require a permit from the L.A. County Department of Public Works.
63. Parking areas and structures and other facilities generating wastewater with potential oil and grease content are required to pretreat the wastewater before discharging to the City storm drain or sewer system. Pretreatment will require that a clarifier or oil/water separator be installed and maintained on site.
64. If the project involves dewatering, developer/contractor shall contact the LA Regional Water Quality Control Board (RWQCB) to obtain an NPDES Permit for discharge of groundwater from construction dewatering to surface water. For more information refer to: <http://www.waterboards.ca.gov/losangeles/> and search for Order # R4-2003-0111.
65. Prior to the issuance of the first building permit, the applicant shall submit a sewer study that shows that the City's sewer system can accommodate the entire

development. If the study does not show to the satisfaction of the City that the City's sewer system can accommodate the entire development, prior to issuance of the first building permit, the Developer shall be responsible to upgrade any downstream deficiencies, to the satisfaction of the Water Resources Manager, if calculations show that the project will cause such mains to receive greater demand than can be accommodated. Improvement plans shall be submitted to the Engineering Division. All reports and plans shall also be approved by the Water Resources Engineer.

66. Prior to the issuance of the first building permit, the applicant shall submit a water study that shows that the City's water system can accommodate the entire development for fire flows and all potable needs. Developer shall be responsible to upgrade any water flow/pressure deficiencies, to the satisfaction of the Water Resources Manager, if calculations show that the project will cause such mains to receive greater demand than can be accommodated. Improvement plans shall be submitted to the Engineering Division. All reports and plans shall also be approved by the Water Resources Engineer.
67. Prior to the issuance of the first building permit, the applicant shall submit a hydrology study of all drainage to and from the site to demonstrate adequacy of the existing storm drain system for the entire development. Developer shall be responsible to upgrade any system deficiencies, to the satisfaction of City Engineer, if calculations show that the project will cause such facilities to receive greater demand than can be accommodated. All reports and improvement plans shall be submitted to Engineering Division for review and approval. The study shall be performed by a Registered Civil Engineer licensed in the State of California.
68. Developer shall not directly connect to a public storm drain pipe or direct site drainage to the public alley. Commercial or residential units are required to either have an individual water meter or a master meter with sub-meters.
69. All existing sanitary sewer "house connections" to be abandoned, shall be removed and capped at the "Y" connections.
70. The fire services and domestic services 3-inches or greater must be above ground, on the applicant's site, readily accessible for testing.
71. Developer is required to meet state cross-connection and potable water sanitation guidelines. Refer to requirements and comply with the cross-connections guidelines available at:

<http://www.lapublichealth.org/eh/progs/envirp/ehcross.htm>. Prior to issuance of a Certificate of Occupancy, a cross-connection inspection shall be completed.
72. All new restaurants and cooking facilities at the site are required to install Gravity Grease Interceptors to pretreat wastewater containing grease. The minimum

capacity of the interceptor shall be determined by using table 10-3 of the 2007 Uniform Plumbing Code, Section 1014.3. All units shall be fitted with a standard final-stage sample box. The 2007 Uniform Plumbing Code guideline in sizing Gravity Grease Interceptors is intended as a minimum requirement and may be increased at the discretion of PWD, Water Resources Protection Program.

73. Ultra-low flow plumbing fixtures are required on all new development and remodeling where plumbing is to be added, including dual flush toilets, 1.0 gallon urinals and low flow shower heads.

Urban Water Runoff Mitigation

74. To mitigate storm water and surface runoff from the project site, an Urban Runoff Mitigation Plan shall be required by the PWD pursuant to Municipal Code Chapter 7.10. Prior to submittal of landscape plans for Architectural Review Board approval, the applicant shall contact PWD to determine applicable requirements, such as:
 - a. The site must comply with SMMC Chapter 7.10 Urban Runoff Pollution Ordinance for the construction phase and post construction activities;
 - b. Non-storm water runoff, sediment and construction waste from the construction site and parking areas is prohibited from leaving the site;
 - c. Any sediments or materials which are tracked off-site must be removed the same day they are tracked off-site;
 - d. Excavated soil must be located on the site and soil piles should be covered and otherwise protected so that sediments are not tracked into the street or adjoining properties;
 - e. No runoff from the construction site shall be allowed to leave the site; and
 - f. Drainage control measures shall be required depending on the extent of grading and topography of the site.
 - g. Development sites that result in land disturbance of one acre or more are required by the State Water Resources Control Board (SWRCB) to submit a Storm Water Pollution Prevention Plan (SWPPP). Effective September 2, 2011, only individuals who have been certified by the Board as a "Qualified SWPPP Developer" are qualified to develop and/or revise SWPPPs. A copy of the SWPPP shall also be submitted to the PWD.
75. Prior to implementing any temporary construction dewatering or permanent groundwater seepage pumping, a permit is required from the City Water Resources Protection Program (WRPP). Please contact the WRPP for permit requirements at least two weeks in advance of planned dewatering or seepage pumping. They can be reached at (310) 458-8235.

Public Streets & Rights-of-Way

76. Prior to the issuance of a Certificate of Occupancy for the Project, all required offsite improvements, such as AC pavement rehabilitation, replacement of sidewalk, curbs and gutters, installation of street trees, lighting, etc. shall be designed and installed to the satisfaction of the Public Works Department and Public Landscape Division.
77. All offsite improvements required by the Public Works Department shall be installed. Plans and specifications for offsite improvements shall be prepared by a registered civil engineer and approved by the City Engineer.
78. Unless otherwise approved by the PWD, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.
79. Sidewalks, curbs, gutters, paving and driveways which need replacing or removal as a result of the project or needed improvement prior to the project, as determined by the PWD shall be reconstructed to the satisfaction of the PWD. Design, materials and workmanship shall match the adjacent elements including architectural concrete, pavers, tree wells, art elements, special landscaping, etc.
80. Street and alley sections adjacent to the development shall be replaced as determined by the PWD. This typically requires full reconstruction of the street or alley in accordance with City of Santa Monica standards for the full adjacent length of the property.

Utilities

81. No Excavation Permit shall be issued without a Telecommunications Investigation by the City of Santa Monica Information Systems Department. The telecommunications investigation shall provide a list of recommendations to be incorporated into the project design including, but not limited to measures associated with joint trench opportunities, location of tie-back and other underground installations, telecommunications conduit size and specifications, fiber optic cable specifications, telecommunications vault size and placement and specifications, interior riser conduit and fiber optic cable, and adjacent public right of way enhancements. Developer shall install two Telecommunications Vaults in either the street, alley and/or sidewalk locations dedicated solely for City of Santa Monica use. Developer shall provide two unique, telecommunication conduit routes and fiber optic cables from building Telecommunications Room to Telecommunications Vaults in street, alley and/or sidewalk. Developer will be responsible for paying for the connection of each Telecommunications Vault to the existing City of Santa Monica fiber optic network, or the extension of conduit and fiber optic cable for a maximum of 1km terminating in a new Telecommunications Vault for future interconnection with City network. The final telecommunications

design plans for the project site shall be submitted to and approved by the City of Santa Monica Information Systems Department prior to approval of project.

- a. Project shall comply with any City of Santa Monica issued Telecommunications Guidelines
 - b. Project shall comply with City of Santa Monica Right-of-Way Management Ordinance No. 2129CCS, Section 3 (part), adopted 7/13/04
82. Prior to the issuance of a Certificate of Occupancy for the Project, provide new street-pedestrian lighting with a multiple circuit system along the new street right-of-way and within the development site in compliance with the PWD Standards and requirements. New street-pedestrian light poles, fixtures and appurtenances to meet City standards and requirements.
 83. Prior to submittal of plan check application, make arrangements with all affected utility companies and indicate points of connection for all services on the site plan drawing. Pay for undergrounding of all overhead utilities within and along the development frontages. Existing and proposed overhead utilities need to be relocated underground.
 84. Location of Southern California Edison electrical transformer and switch equipment/structures must be clearly shown on the development site plan and other appropriate plans within the project limits. The SCE structures serving the proposed development shall not be located in the public right-of-way.

Resource Recovery and Recycling

85. Development plans must show the refuse and recycling (RR) area dimensions to demonstrate adequate and easily accessible area. If the RR area is completely enclosed, then lighting, ventilation and floor drain connected to sewer will be required. Section 9.21.130 of the SMMC has dimensional requirements for various sizes and types of projects. Developments that place the RR area in subterranean garages must also provide a bin staging area on their property for the bins to be placed for collection.
86. Contact Resource Recovery and Recycling RRR division to obtain dimensions of the refuse recycling enclosure.
87. Prior to issuance of a building permit, submit a Waste Management Plan, a map of the enclosure and staging area with dimensions and a recycling plan to the RRR Division for its approval. The State of California AB 341 requires any multi-family building housing 5 units or more to have a recycling program in place for its tenants. All commercial businesses generating 4 cubic yards of trash per week must also have a recycling program in place for its employees and clients/customers. Show compliance with these requirements on the building

plans. Visit the Resource Recovery and Recycling (RRR) website or contact the RRR Division for requirements of the Waste Management Plan and to obtain the minimum dimensions of the refuse recycling enclosure. The recycling plan shall include:

- List of materials such as white paper, computer paper, metal cans, and glass to be recycled;
 - Location of recycling bins;
 - Designated recycling coordinator;
 - Nature and extent of internal and external pick-up service;
 - Pick-up schedule; and
 - Plan to inform tenants/ occupants of service.
88. For temporary excavation and shoring that includes tiebacks into the public right-of-way, a Tieback Agreement, prepared by the City Attorney, will be required.
89. Nothing contained in these Conditions of Approval shall prevent Developer from seeking relief pursuant to any Application for Alternative Materials and Methods of Design and Construction or any other relief as otherwise may be permitted and available under the Building Code, Fire Code, or any other provision of the SMMC.

Construction Period Mitigation

90. A construction period mitigation plan shall be prepared by the applicant for approval by the following City departments prior to issuance of a building permit: Public Works, Fire, Planning and Community Development, and Police. The approved mitigation plan shall be posted on the site for the duration of the project construction and shall be produced upon request. As applicable, this plan shall:
- a. Specify the names, addresses, telephone numbers and business license numbers of all contractors and subcontractors as well as the developer and architect;
 - b. Describe how demolition of any existing structures is to be accomplished;
 - c. Indicate where any cranes are to be located for erection/construction;
 - d. Describe how much of the public street, alleyway, or sidewalk is proposed to be used in conjunction with construction;
 - e. Set forth the extent and nature of any pile-driving operations;
 - f. Describe the length and number of any tiebacks which must extend under the property of other persons;
 - g. Specify the nature and extent of any dewatering and its effect on any adjacent buildings;
 - h. Describe anticipated construction-related truck routes, number of truck trips, hours of hauling and parking location;
 - i. Specify the nature and extent of any helicopter hauling;

- j. State whether any construction activity beyond normally permitted hours is proposed;
- k. Describe any proposed construction noise mitigation measures, including measures to limit the duration of idling construction trucks;
- l. Describe construction-period security measures including any fencing, lighting, and security personnel;
- m. Provide a grading and drainage plan;
- n. Provide a construction-period parking plan which shall minimize use of public streets for parking;
- o. List a designated on-site construction manager;
- p. Provide a construction materials recycling plan which seeks to maximize the reuse/recycling of construction waste;
- q. Provide a plan regarding use of recycled and low-environmental-impact materials in building construction; and
- r. Provide a construction period water runoff control plan.

FIRE

- 91. A security gate shall be provided across the opening to the subterranean garage. If any guest parking space is located in the subterranean garage, the security gate shall be equipped with an electronic or other system which will open the gate to provide visitors with vehicular access to the garage without leaving their vehicles. The security gate shall receive approval of the Police and Fire Departments prior to issuance of a building permit.

VOTE

Ayes:

Nays:

Abstain:

Absent:

NOTICE

If this is a final decision not subject to further appeal under the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, the time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which provision has been adopted by the City pursuant to Municipal Code Section 1.16.010

I hereby certify that this Statement of Official Action accurately reflects the final determination of the Planning Commission of the City of Santa Monica.

Leslie Lambert, Chairperson

Date

Acknowledgement by Permit Holder

I hereby agree to the above conditions of approval and acknowledge that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval.

Print Name and Title

Date

Applicant's Signature